

Application No.: 10/516,743

Doc. No.: 1261-0156PUS1

Docket No.: 1261-0156PUS1
(PATENT)

#6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hiroyuki OSADA et al.

Application No.: 10/516,743

Confirmation No.: 6909

Filed: December 6, 2004

Art Unit: N/A

For: NOVEL COMPOUND HAVING
ANTITUMOR ACTIVITY AND PROCESS
FOR PRODUCING THE SAME

Examiner: Not Yet Assigned

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements dated May 3, 2005,
Applicant respectfully submits:

☒ Attached is a copy of the Notification of Missing Requirements (371 Formalities Letter).

☒ Attached is the Executed Declaration and Power of Attorney ☒ Original ☐ Photocopy.

☐ The specification attached to the executed Declaration and Power of Attorney is a true copy of the specification that was filed in the U.S. Patent and Trademark Office on December 6, 2004, including any amendments thereto (if applicable) filed on even date therewith.

☐ The undersigned hereby declares that "Attorney Docket No. 1261-0156PUS1" on page 1 of the attached inventors' Declaration corresponds to Appl. No.10/516,743 filed December 6, 2004 entitled

☒ Attached is an English language translation of the above-identified application that was filed in a foreign language, which should be used as the copy for examination purposes.

XXX See the attached Translator's Verification; or

The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.

☐ Attached are 0 sheet(s) of drawings. Please substitute these replacement drawings for the corresponding 0 sheet(s) of drawings on file in the above-identified application.

☐ Attached are substitute claims commencing on a separate sheet in accordance with 37 C.F.R. § 1.75(h).

☐ Attached is a substitute abstract commencing on a separate sheet in accordance with 37 C.F.R. § 1.72(b).

☐ Attached is a substitute specification that complies with 37 C.F.R. § 1.52. The substitute specification does not contain new matter.

☒ Attached is a preliminary amendment.

☐ Applicant claims small entity status under 37 C.F.R. § 1.27.

☒ Submitted concurrently herewith under separate cover for recording is an Assignment.

Application No.: 10/516,743

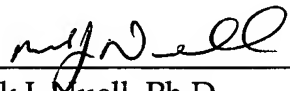
Docket No.: 1261-0156PUS1

- ☐ Attached is a Petition for Extension of Time.
- ☒ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: May 26, 2005

Respectfully submitted,

By 
Mark J. Nuell, Ph.D.
Registration No.: 36,623
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachment(s)

VERIFICATION OF TRANSLATION

I, Yoshiyuki KAWAGUCHI, a citizen of Japan,

of c/o SERA, TOYAMA, MATSUKURA & KAWAGUCHI, Acropolis 21 Bldg.,
6th Floor, 4-10, Higashi Nihonbashi 3-chome, Chuo-ku, Tokyo,
103-0004 Japan

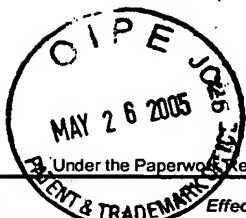
hereby declare as follows:

1. I am a translator and am familiar with the English and Japanese languages.
2. I am the translator of the document attached hereto and certify that the following is a true English translation of PCT/JP03/07189 filed on June 6, 2003, to the best of my knowledge and belief.

Dated this 3rd day of March, 2005



Signature of translator
KAWAGUCHI, Yoshiyuki, Ph.D.
Patent Attorney



JC02 Rec'd PCT/PTO 26 MAY 2005

PTO/SB/17 (12-04v2)

Approved for Use through 7/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL For FY 2005		Complete if Known	
		Application Number	10/516,743-Conf. #6909
		Filing Date	December 6, 2004
		First Named Inventor	Hiroyuki OSADA
		Examiner Name	Not Yet Assigned
		Art Unit	N/A
		Attorney Docket No.	1261-0156PUS1
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT		(\$) 360.00	

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: 02-2448 Deposit Account Name: Birch, Stewart, Kolasch & Birch, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

<u>Fee Description</u>				<u>Fee (\$)</u>	<u>Fee (\$)</u>
Each claim over 20 (including Reissues)				50	25
Each independent claim over 3 (including Reissues)				200	100
Multiple dependent claims				360	180
<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>	
18	- 20 =	x	=	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
				360.00	360.00
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>		
3	- 3 =	x	=		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50	_____ (round up to a whole number) x _____	_____	_____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	36,623
Name (Print/Type)	Mark J. Nuell, Ph.D.	Telephone	(703) 205-8043
		Date	May 26, 2005

Rec'd PCT/PTO

26 MAY 2005

AMENDMENT TRANSMITTAL LETTER				Docket No. 1261-0156PUS1	
Application No. 10/516,743-Conf. #6909		Filing Date December 6, 2004		Examiner Not Yet Assigned	
				Art Unit N/A	

Applicant(s): Hiroyuki OSADA et al.

Invention: NOVEL COMPOUND HAVING ANTITUMOR ACTIVITY AND PROCESS FOR PRODUCING THE SAME

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith is an amendment in the above-identified application.
The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	18	- 20 =	0	x	
Independent Claims	3	- 3 =	0	x	
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>					360.00
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					360.00

☒ Large Entity ☐ Small Entity

☒ No additional fee is required for this amendment.

☐ Please charge Deposit Account No. _____ in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.

☒ A check in the amount of \$ 360.00 to cover the filing fee is enclosed.

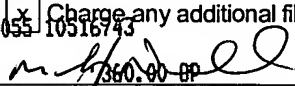
☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge and credit Deposit Account No. 02-2448
as described below. A duplicate copy of this sheet is enclosed.

☒ Credit any overpayment.

☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

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Dated: May 26, 2005